IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CWP No.507 of 2007
Date of Decision: 15.1.2007

The Executive Engineer

Petitioner

versus

The Presiding Officer, Labour Court Panipat and another

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MR. JUSTICE BALDEV SINGH

Present: Shri Harish Rathee, Sr.DAG Haryana for the petitioner

Jasbir Singh, J. (Oral)

This writ petition has been filed with a prayer to quash award dated 6.2.2006 (Annexure P/6), vide which, respondent workman was ordered to be reinstated in service alongwith full back wages from the date of demand notice i.e. 16.6.2000. Relationship of master and servant is not in dispute. Workman was thrown out of service in the month of February, 1991. He sent a demand notice, which was rejected, vide order Annexure P/3 and he was intimated that his case is not a fit case, to be sent for adjudication before the Labour Court. He filed an appeal against that order and vide order dated 9.3.2005, the matter was referred to the Labour Court, for adjudication. The appellant appeared before the Labour Court and raised no objection that the order dated 9.3.2005 is not legal, rather suffered that order and produced its evidence, to say that the workman had not worked for 240 days in 12 months preceding to his termination from service. That fact was found to be incorrect, details of period for which, workman had worked are mentioned in paragraph No.8 of the award, under challenge.

The Labour Court has found it as matter of fact that the workman had worked for 347 days. There is non compliance with Section 25-F of the Industrial Disputes Act, 1947. Nothing has been shown to the contrary at the time of argument. We feel that the award passed is perfectly justified. No case is made out for interference.

Dismissed.

(Jasbir Singh)
Judge

January 15, 2007
gk

(Baldev Singh)
Judge